



Ombudsman Outlook: News, Resources, and Tips

Brought to you by:  The National Long-Term Care
Ombudsman Resource Center

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Introducing the *Ombudsman Outlook!*

Hello Long-Term Care Ombudsmen! Welcome to the first issue of the ***Ombudsman Outlook***, a quarterly e-newsletter for State and Local/Regional LTC Ombudsmen, produced by the National LTC Ombudsman Resource Center ([NORC](#)). The ***Ombudsman Outlook*** is designed to provide resources, tips and news about ombudsman programs and practices. Each issue will contain **information** about new **policies** and how they apply to LTCO work; **news** from the network, featuring state and/or local LTCOPs; **technical assistance** on a hot topic that has come into NORC over the previous quarter; tips on **ombudsman practice** or **skills**; featured **resources**, and MORE! The Ombudsman Outlook replaces the quarterly resource emails previously sent to all ombudsmen, and unlike other e-newsletters, focuses solely on LTC Ombudsman Programs and Practices. We hope you'll share this e-newsletter with your program staff and volunteers. Let us know what you think of the ***Ombudsman Outlook*** and be sure to share news from your programs that we can highlight!

Lori Smetanka, NORC Director

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New and Updated NORC Resources

A brief overview of new and/or updated resources that have recently been added to the NORC [website](#) is below.

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NORC Featured Resource

Ombudsman References in Federal Nursing Home Requirements

Refer to this [chart](#) to quickly find references to the LTCO program in federal requirements. The chart is organized by topic (e.g. access, complaint investigation, coordination with the LTCO program) and provides a summary and

[NEW! Webinars for LTC Ombudsman In-service Training](#)

There are a range of recorded webinars available for LTCO programs to use to in training staff and volunteers to enhance ombudsman skills and knowledge. Refer to the list linked above for a sample of webinars that can be downloaded for free! All range from 60-90 minutes in length and include supplemental materials, such as powerpoints. NORC is in the process of developing questions and certificates of completion templates for ombudsmen to use for continuing education purposes, and will post those to the website soon!

[NEW! Protecting Residents from Financial Exploitation: How Ombudsmen Can Use the New CFPB Guide in Their Work Webinar](#)

This webinar discusses the Consumer Financial Protection Bureau's new guide to help assisted living and nursing facilities protect residents from financial exploitation. In addition to enhancing LTCO advocacy skills regarding the warning signs of financial exploitation and learning about effective strategies to prevent and respond to such abuse, LTCO can share these tips and the guide with facility staff.

[UPDATED! Working with Families: Tips for Effective Communication and Strategies for Challenging Situations](#)

This paper and supplemental resources provide tips, resources and strategies to help ombudsmen improve their skills in working with families. The paper reviews key communication techniques that are important for ombudsmen in their interactions with and communicating their role to families and discusses examples of challenging situations and strategies for assisting families during those situations. The appendices include materials for ombudsmen to use to help family members enrich their communication skills related to problem solving, inform them about their rights and the facility's responsibilities, and teach them how to self-advocate.

[UPDATED! NORC Library: Federal Laws & Regulations](#)

This section of the NORC library has been updated to include information and resources on the new Medicaid home and community based services rules. These regulations set forth new requirements for several Medicaid authorities under which states may provide home and community-based long-term services and supports.

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Requirements for Notice of Facility Closure, Final Rule

In order to implement section 6113 of the Patient Protection and Affordable Care Act (ACA) regarding notification and planning

source.

LTCO can use this chart for initial training and continuing education for their volunteers. Visit the NORC [library](#) for this [chart](#) and links to other federal resources, reports and regulations (Older Americans Act, Code of Federal Regulations).

Consumer Voice Featured Resource



2014 Residents' Rights Month (October)

The 2014 Residents' Rights Month (RRM) theme is "Better Staffing: The Key to Better Care" and RRM materials are available on the Consumer Voice [website](#). LTCO can use the RRM promotional materials and staffing advocacy toolkit to raise awareness regarding residents' rights and the need for more staff and stronger nursing home staffing laws.

Calendar of Events

October 2014:
[Residents' Rights Month](#)

October 1, 2014:

prior to closure of long-term care facilities, CMS published the final [rule](#) titled "Medicare and Medicaid Programs; Requirements for Long-Term Care (LTC) Facilities; Notice of Facility Closure," effective as of April 18, 2013.

The rule provides new and revised requirements to ensure that administrators of Skilled Nursing Facilities (SNFs) and Nursing Facilities (NFs) provide written notification of impending closure and a plan to relocate residents at least 60 days prior to closure. CMS acknowledges that some states may have more stringent requirements for notification of facility closure (e.g. requiring written notification 90 days before facility closure); therefore, facilities must adhere to the most stringent requirement to maintain compliance with federal law.

One of the most significant changes is the addition of a new requirement [[483.12\(a\)\(8\)](#)] stating the administrator of the facility must "provide written notification prior to the impending closure to the State Survey Agency, the State LTC Ombudsman, residents of the facility, and the legal representatives of the residents or other responsible parties." Additionally, the facility must plan for the transfer and adequate relocation of the residents, as required at [483.75\(r\)](#). The final rule also states that an administrator that does not provide appropriate notice of a facility's closure will be subject to a civil monetary penalty ([488.446](#)).

Revisions and additions are found in Title 42 of the Code of Federal Regulations (CFR) in parts 483, 488, 489 and 498. Review the [final rule](#) in the Federal Register for all of the new and revised provisions and the public comments and responses from the open comment period of the interim rule. Interpretative Guidelines have not been released to accompany these changes.

LTCO Practice

In regards to this requirement you may want to consider:

State LTCO

- Have you provided additional guidance, policies or training in response to this rule?
- Does your program have a policy/procedure for how to handle notices of closure?
- Have you spoken with representatives from your state survey agency about this rule and the role of the LTCO program?

Local LTCO

Introduction to LGBT Aging. 3-4 ET.

November 15-18, 2014:
38th Annual Consumer Voice Conference.
Register [today!](#)

Questions or Ideas?

Do you have any questions or challenges related to LTCO advocacy and program management you want addressed in a future newsletter?

Do you have any suggestions for articles or feedback about this issue? If so, please [let us know](#).

Save and Share

We encourage you to share this newsletter with your LTCO program. You can forward this email or save and share the PDF version saved on our [website](#).

Want to receive the Ombudsman Outlook directly?

Did you receive this issue of the Ombudsman Outlook from a colleague or your LTCO supervisor? [Let us know](#) if you want to subscribe and receive our newsletter directly.

- Are you familiar with the inter-agency coordination that is activated when a nursing home provides notice of closure (e.g. communication with your State LTCO and coordination among the state survey, case management or others responsible for assisting in the relocation process)?
- Do you have the tools and resources necessary to advocate for residents when a closure occurs?
- Have you spoken with regional representatives from your state survey agency about this rule and the role of the LTCO program?

For additional information regarding the role of LTCO in nursing home closures, including check lists, best practices, a tool kit and conference calls visit the NORC [Nursing Home Closures](#) issue page.

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News from the Network...

The Long-Term Care Ombudsman Program was included on the agenda of the 2014 National Title VI Training & Technical Assistance Conference in DC in August. The conference was sponsored by the Administration on Aging (AoA), Administration for Community Living (ACL). In the pre-conference intensive session, *Working Together to Serve Tribal Elders: Title III and Title VI Coordination*, Teresa Teeple, AZ SLTCO, and Sondra Everhart, NM SLTCO, participated in a panel presentation and discussion regarding coordination and planning activities between the aging network and services to tribal elders. The need for ongoing dialogue, cultural awareness, and collaboration was discussed as well as examples of successes.

Long-Term Care Ombudsman Services in Indian Country was a concurrent session that was repeated. Louise Ryan, Ombudsman Program Specialist, AoA/ACL, Sondra Everhart, Teresa Teeple, and Tiffany Yazzie-Akutagawa, Regional LTCO and a member of the Navajo Nation, presented. The session provided information about the LTCOP, how services can be accessed, and explored opportunities for the LTCOP to increase and improve culturally competent services to Native Americans in facilities. The session generated interest and questions regarding serving elders who are residing in facilities. The slides from this session are available on the NORC [website](#) and NORC will have additional resources regarding providing LTCO services to tribal elders in the near future.

This "News from the Network" article will appear in every issue in order to highlight your work and news. We invite and encourage you to [send](#) your advocacy successes,

best practices, program management examples, and resources so we can learn from you and share your experience with your peers.

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LTCO Volunteer Management: Outreach and Recognition

If you are looking for a simple outreach strategy that will promote your program, recognize new volunteer LTCO, and inform legislators of your program's activities and of their constituents' service, you may want to adopt the following practice from the Oregon LTCO program.

Once a volunteer LTCO is certified the Oregon LTCO program sends an [email](#) to the state legislators of the district where the volunteer will be assigned (the legislators prefer email communication over postal mail). The email announces the recent appointment and certification of the volunteer LTCO, explains the role of the LTCO, identifies the facilities the volunteer will be visiting and states how many long-term care facilities are in the legislator's district. In addition to that information the email highlights the number of hours of service the volunteer LTCO contributed statewide in the previous year and the value of their time.

In addition to LTCO appointment notification, the OR LTCO program emails legislators of districts in which they need more volunteers. This [email](#) explains the role of the LTCO, the need for volunteers in specific counties or cities in their district and an upcoming recruiting event in their district. The email also asks the legislator to include information about the upcoming recruitment event in their constituent communication and offers to answer any questions the legislator may have about the LTCO program. If you are interested in this type of outreach review the examples on the NORC [website](#) and work with your State LTCO to develop a similar letter.

[Join](#) the LTCO Volunteer Management Network today to connect with your peers, exchange ideas, share resources and talk about LTCO volunteer management.

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Technical Assistance Hot Topic

In addition to providing training, resources and support to state and local LTCO, NORC is also responsible for responding to

technical assistance requests. NORC staff respond to a variety of requests from individual state and local LTCO across the country. Technical assistance requests often involve questions regarding program management, issue advocacy, systems advocacy and ombudsman skills training. Recent topics include: conflict of interest, LTCO training, funding for LTCO services, abuse and neglect, transfer trauma and volunteer LTCO management.

In order to share our technical responses more broadly we've created a new resource called a "Technical Assistance (TA) Brief." We will share information in response to frequently asked TA requests with all LTCO in a concise format with these new briefs. The first three briefs are available on the NORC [website](#) and they address the role of the LTCO related to voting in long-term care facilities, residents' right to have personal property in nursing homes and regulations regarding Family Councils.

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Quick Tips! Complaint Resolution and Training

Problem Resolution

A proven way to reach resolution in many situations is the **Point, Evidence, repeat Point (PEP)** [method](#).

- **Point:** Get your message across with a clear statement of the problem.
- **Evidence:** Present the evidence you gathered during investigation.
- **Point:** Restate your statement of the problem.

Receive feedback, listen attentively and reflectively without interrupting or arguing. Find areas of agreement to incorporate into your position. Repeat the process, being persistent. It may take three to ten times through this process to reach a resolution. For more information, refer to the PEP Method [fact sheet](#) and the entire Problem-Solving Process: Resolution module of the [Equipping Long-Term Care Ombudsmen for Effective Advocacy: A Basic Curriculum](#).

Training Resource

We recently learned of a video titled "[The Thin Edge of Dignity](#)" in which Dr. Richard "Dick" Weinman shares his thoughts, feelings and experiences as a resident of an assisted living

facility. Dr. Weinman discusses his life before moving into the assisted living facility, how his life has changed and provides information about his wife's experience living in a memory care community. By sharing his experience he highlights the importance of person-centered care and how caregivers can better empower individuals and enhance their quality of life by honoring their independence, dignity and choice.

LTCO Practice

This video could be used:

- During LTCO certification and continuing education training
- Incorporated into in-service training for facilities
- Public education regarding the experience of residents and need for LTCO to advocate for and with residents

For more information about the video and his experiences in assisted living read his [blog](#).

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